

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 09-0322

FILED

PLAINS GRAINS LIMITED PARTNERSHIP, a Montana limited
partnership; et al.,

SEP 29 2009

Appellants,

v.

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

BOARD OF COUNTY COMMISSIONERS OF CASCADE COUNTY,
the governing body of the County of Cascade, acting by
and through Peggy S. Beltrone, Lance Olson and Joe Briggs,

Appellees,

and

SOUTHERN MONTANA ELECTRIC GENERATION and
TRANSMISSION COOPERATIVE, INC.; the ESTATE OF DUANE
L. URQUHART; MARY URQUHART; SCOTT URQUHART; and
LINDA URQUHART,

Appellees/Cross-Appellants.

RESPONSE TO NOTICE OF CONSTITUTIONAL CHALLENGE

Steve Bullock, Attorney General of Montana, hereby responds to
Appellant's Notice Involving Constitutional Questions dated September 9, 2009 as
follows. Appellant's Notice provides insufficient information to allow this office
to determine whether the Attorney General's intervention would be appropriate,
since it does not specifically indicate whether the challenge will be made, which
provisions of law Appellants will challenge, and on what grounds. The Attorney
General respectfully requests that Appellant be permitted to submit a supplemental

notice after its counsel has reviewed the briefing and can more specifically identify any challenges Appellant wishes to bring.

Respectfully submitted this 29 day of September, 2009.

STEVE BULLOCK
Montana Attorney General
215 North Sanders
P.O. Box 201401
Helena, MT 59620-1401

By: 

ANTHONY JOHNSTONE
Solicitor

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing
Response to Notice of Constitutional Challenge to be mailed to:

Mr. Alan F. McCormick
Garlington, Lohn & Robinson, PLLP
199 West Pine
P.O. Box 7909
Missoula, MT 59807-7909

Mr. Brian Hopkins
Cascade Deputy County Attorney
121 4th Street North
Great Falls, MT 59401


Mr. Gary M. Zadick
Ms. Mary K. Jaraczski
Ugrin, Alexander, Zadick & Higgins, PC
#2 Railroad Square, Suite B
P.O. Box 1746
Great Falls, MT 59403-1746

Mr. Roger M. Sullivan
McGarvey, Heberling, Sullivan & McGarvey, PC
745 South Main
Kalispell, MT 59901

Ms. Elizabeth A. Best
Best Law Offices, P.C.
425 3rd Avenue North
P.O. Box 2114
Great Falls, MT 59403-2114

DATED: _____

Sept 29 2009

A handwritten signature in black ink, appearing to be 'AB', written over a horizontal line.